

REMARKS

Favorable reconsideration is respectfully requested in light of the following remarks, wherein Claims 1, 7, 17 and 21 are amended. Currently, Claims 1-7 and 13-21 are pending.

As an initial matter, Applicant expresses gratitude for the courtesies extended to Applicant's attorney during the recent telephone interview. During the interview, the 112 and prior art rejections were discussed. Applicant suggested making certain claim amendments to remove the informality rejections and to clarify aspects of the present invention. The Examiner appeared to agree that such amendments would overcome the rejections of record. Applicants have amended the claims consistent with that agreement.

Claim 21 stands rejected under 35 U.S.C. §112, second paragraph, for allegedly being indefinite for being inconsistent with Claim 1. However, as discussed during the interview, Claim 1 defines: "collecting and storing information on at least one borehole in a control unit". As is mentioned in paragraph [0036], one embodiment is that data is collected and stored in the control unit while making a drilling plan for drilling. The information then collected and stored may be information on impact frequency, impact power, feed force, feed rate, rotation rate, flushing agent flow, drilling equipment to be used. Thus, borehole information can be collected and stored in the control unit before the borehole is drilled. Thus, Claims 1 and 21 are consistent.

Further, the Examiner states that drilling through the identifier, as claimed in Claim 21, would destroy the identifier. However, Claim 21 is amended to recite "using the identifier for drilling the borehole through the tubular frame of the identifier". Accordingly, withdrawal of the rejection based upon 35 U.S.C. §112, second paragraph, is respectfully requested.

Claims 1-7, 13-15, and 17-20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,826,492 to *Newman* (*Newman* '492). Claim 16 stands rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,826,492 to *Newman* in view of U.S. Patent No. 6,578,634 to *Newman* (*Newman* '634).

Newman '492 relates to managing well file records that change with service work being performed on a well at the well site, column 1, lines 8-10. Operators of a well have a file that serves as a blueprint that describes the well and its components, column 1, lines 13-15. Further, on column 2, lines 59-61, it is mentioned that the well file is created to keep a record of current list of well components. After a well is set up and operating, various service operations are periodically performed to maintain the well. Such service operations include replacing worn parts, pumping chemical treatments or hot oil down into the well bore, and pumping cement into the well bore to close off a portion of the well. Column 1, lines 17-24.

Further, on column 1, lines 35-47 is discussed about a problem, which *Newman* '492 tries to solve. The well file is kept at an office and the field crew does not have access to the well file, which leads to updating problems when worn parts are replaced. *Newman* '492 solves this updating problem by storing the well file in a computer and communicating the well file to a second computer at the well site, whereby changes made to the well can be communicated back to the well file, column 2, lines 13-18. In contrast, the present invention relates to drilling and charging of a borehole and there is no such problem relating to updating of changed components of well machinery.

The Examiner admits that *Newman* '492 does not teach using the borehole information to a control drilling or charging the borehole. However, the Examiner states that drilling and charging are conventional operations performed at a well, wherefore it would

have been obvious to perform them. As already mentioned above, *Newman* '492 teaches to create the well file after the well is set up and is operating. Service operations of *Newman* '492 are performed to maintain the operating well, which includes pumping machinery etc. Drilling and charging of a borehole are totally different operations than servicing the well. Drilling is performed before the well is set up, and charging of the well is never performed since the purpose is not to explode the existing well. This is why *Newman* '492 is totally silent about drilling and charging.

Moreover, the information of changed components of well machinery and the information of performed service work are useless when controlling drilling or charging of a borehole. Thus, it is not obvious to use of the well file of *Newman* made only for managing component changes and supervising service work, to control borehole drilling and charging.

Nevertheless, Applicants are amending Claims 1, 7 and 17 to recite "arranging at least one identifier in connection with a borehole under examination and in physical contact with rock." As is discussed for example in paragraph [0031] of the present application, the identifier may be fastened onto the surface of rock, or it may be dropped or pushed to the bottom of a borehole. In contrast, the machine readable part identifier (66) of the *Newman* '492 patent is arranged in a sucker rod (58), column 3, lines 51-58.

In addition, Claims 1 and 17 are also amended to recite that borehole information and the location of the identifier are used for controlling drilling or charging. That is, the identifier serves two purposes- one to manage and store information and the other is to serve as a marker. The identifier in *Newman* '492 is completely deficient in this regard. Accordingly, *Newman* '492 fails to disclose the patentable features of independent Claims 1, 7, and 17.

For at least the foregoing reasons, it is submitted that the method of independent Claims 1, 7, and 17, and the claims depending therefrom, are patentably distinguishable over the applied document. Accordingly, withdrawal of the rejections of record and allowance of this application are earnestly solicited.


Should any questions arise in connection with this application, or should the Examiner believe a telephone conference would be helpful in resolving any remaining issues pertaining to this application, it is respectfully requested that the undersigned be contacted at the number indicated below.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0573. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully Submitted,

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